

Testimony Supporting HB 6504: An Act Concerning Alternative School Programs

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Education Committee
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Dear Senator Stillman, Representative Fleischmann, and members of the Education Committee,

I am testifying today on behalf of Connecticut Voices for Children, a research-based public education and advocacy organization that works statewide to promote the well-being of Connecticut's children, youth, and families.

We strongly support HB 6504: An Act Concerning Alternative School Programs. This bill addresses an important aspect of our education system that currently lacks sufficient oversight and accountability: alternative schools. While we offer a few recommendations to improve this bill, we are very pleased with the committee's recognition of the problem and thoughtful recommendations, and hope to work with you to promote passage of this legislation.

We support HB 6504 because it contains four major elements that are crucial to establishing basic regulation of alternative schools and improving outcomes for the young people they serve: (1) **defining alternative school programs**; (2) requiring **informed consent by students and parents** before placement in an alternative setting; (3) ensuring students in alternative settings maintain their **right to access a diversity of courses** and receive the **proper number of hours of instruction**; and (4) promoting oversight of alternative school programs through **their inclusion in easily-accessible Strategic School Profile** annual reports.

The Need for Reform and Oversight

Previous education reform has attempted to address struggling students, schools, and districts through a variety of means, including providing increased access to wraparound services, supporting literacy, working to increase socio-economic and racial diversity of schools, and increasing state oversight and funding for the lowest-performing schools and districts. However, reform efforts have ignored the large number of at-risk students currently being educated in other types of (largely unregulated) alternative schools and programs. (We use the term "at risk" to describe students who are at risk of dropping out of traditional schools, being excluded from traditional schools due to behavioral challenges, or becoming involved in the juvenile justice system due in part to unmet educational, mental health, and behavioral needs. At risk students frequently benefit from nontraditional modes of instruction offered in smaller, more personalized, environments, with a greater array of social supports).

Alternative schools exist in many school districts in Connecticut and can play a valuable role for many at-risk students who require nontraditional modes of instruction. However, the patchwork of alternative educational schools and programs in Connecticut faces several large structural problems and lags far behind the systems in other states. Although there are certainly some high quality alternative schools in Connecticut, there are many others with poor or unknown records. Additionally, there is a pressing set of systemic issues facing the largely invisible and almost entirely unregulated network of alternative schools, programs, and settings in the state. Most notably:

- The State Department of Education **does not provide any oversight of alternative schools or programs, nor does it require basic data reporting except in limited circumstances.** Indeed, there currently exists no publicly-available *list* of alternative schools and programs in Connecticut, much less basic information concerning their locations, numbers of students served, curriculum, resources, entry or exit procedures, or reasons for which students are sent to them.¹
- The **lack of a clear statutory definition** for alternative schools and programs makes it difficult to establish oversight, and, as a result, very few districts report information about their alternative settings. Many alternative programs are denoted as “programs” rather than schools, which exempts them from submitting Strategic School Profiles.² (In fact, only a handful of alternative educational environments throughout the state are classified as “schools” and therefore make public the basic information required by Strategic School Profiles.³) To the extent they are actually included in mandatory reports, basic demographic and outcome data – such as graduation rates – for students in alternative “programs” are commingled with data from the traditional school, making it **impossible to determine how many students are sent to alternative programming or evaluate the educational success of these programs.**⁴
- Some districts unilaterally move students into alternative schools or programs **without parental consent**, and sometimes also refuse to allow students to exit the programs back to traditional schools.⁵ In some cases, schools circumvent formal expulsion procedures by “counseling out” students with challenging behavioral needs. There currently exists no standard process or set of rules for determining which students are sent to alternative programs or why.⁶
- Many alternative schools do not offer their students the same number of class hours or course offerings that regular public schools require, **thus denying vulnerable students**

¹ See email from Charlene Russell-Tucker, State Department of Education (January 6, 2011).

² See Laura McCargar, “Invisible Students: The Role of Alternative and Adult Education in the Connecticut School-to-Prison Pipeline,” *Connecticut Pushout Research and Organizing Project*, (December 2011), 24, available at: <http://ctprop.org/>

³ Alternative schools that submitted SSPs in 2009-2010 (the most recent year for which SSPs are available) include: the Alternative Center for Excellence in Danbury, Stevens Alternative High School in East Hartford, Briggs High School in Norwalk, and Thames River Academy in Norwich (see the Strategic School Profile Reports function on the Connecticut Education and Research (CEDaR) database, available at:

<http://sdeportal.ct.gov/Cedar/WEB/ResearchandReports/SSPReports.aspx?type=SSP>). Many more alternative schools, including those publicly listed by local districts on their websites and those whose administrators participate in the Connecticut Association of Alternative Schools and Programs (CAASP), do not complete SSPs.

⁴ The state tracks the demographics but not educational attainment of students in so-called “90 Programs” (a term stemming from a PSIS identification code number), which are district-run schools and programs serving at risk students. The State Department of Education (SDE) reported that fifty such programs spread across 27 school districts were in operation in Connecticut in 2009. Based on local district websites, researcher Laura McCargar identified more than 50 district-defined alternative schools or programs in operation in the state, of which only 9 were included in the 90 Program list provided by SDE (See, McCargar, pg 46).

⁵ See McCargar 30-32. In addition, informal conversations with lawyers who represent students in alternative education programs have yielded no examples of students successfully exiting the alternative education program to return to the traditional high school. In the absence of basic data reporting requirements, we cannot assess whether these anecdotes represent outliers or the norm.

⁶ See, McCargar, 30-32

access to the quantity and quality of education that they deserve.⁷ Although it is important for alternative schools and programs to have the flexibility to pursue nontraditional means of instruction, the educational services offered must nonetheless meet a baseline sufficient to guarantee the equal educational opportunity required by Connecticut's Constitution.⁸

- While some alternative schools help students succeed, others become “**dumping grounds**” for vulnerable students, providing pathways to the juvenile justice system.⁹ Without basic procedural safeguards and quality assurance mechanisms, it is impossible to evaluate which programs are succeeding and which are ineffective.

Other states provide, through legislation and through state education department leadership, sophisticated quality assurance and oversight structures.¹⁰ Many of the elements included in the systems of these “best practice” states have been incorporated into HB 6504.

1. Defining “Alternative School Programs”

By creating a statutory definition for alternative school programs, this bill will create a basis for clearer state and local oversight over these alternative settings. Districts will no longer be able to maintain “off-book” schools and programs by defining the alternatives as something other than a school.

At present alternative schools are not defined, and appear in statute only subsequent to districts' responsibility to provide alternative educational opportunities to certain expelled students.¹¹ This bill helps remedy this statutory vagueness. In addition to clarifying which students are required and/or permitted to attend alternative schools, this bill also creates a right for students to access alternative settings when they are struggling in traditional schools. Many states with strong alternative school systems have this positive right to an alternative educational setting, and find that many students avail themselves of this option when good alternatives are presented. Instead of being a “dumping ground,” alternative schools become sought-after schools. In Connecticut, we already see that many of our exemplary alternative schools have become “alternative schools of choice” where students have affirmatively chosen to attend and are eager to stay.¹² Finally, HB 6504 requires districts to publicize the existence of these alternative options online, facilitating student and parent access to the schools and programs, and ensuring greater transparency about their existence and offerings.

2. Informed Consent for Placement

⁷ See, McCargar, 49-50

⁸ See, *Horton v. Meskill*, 172 Conn. 615 (1977), which found that the right to education is basic and fundamental under the state's constitution and public school students are entitled to equal enjoyment of that right.

⁹ See, McCargar, 20-25, 47-49

¹⁰ See, Cheryl Almeida, Cecilia Le, Adria Steinberg, and Roy Cervantes, “Reinventing Alternative Education: An Assessment of Current State Policy and How to Improve It,” *Jobs for the Future*, (September 2010), available at: <http://www.jff.org/sites/default/files/AltEdBrief-090810.pdf>. See also, Camilla Lehr, Eric Lanners, and Cheryl Lange, “Alternative Schools: Policy and Legislation Across the United States.” *University of Minnesota Institute on Community Integration* (October 2003), available at: http://ici.umn.edu/products/docs/Alternative_Schools_Report_1.pdf. See also, Sarah Esty, memo “Re: Alternative Schools Best Practices,” (October 28, 2011), on file with *Connecticut Voices for Children*.

¹¹ Connecticut General Statutes 10-233d. Expulsion of Pupils.

¹² For example, Opportunity High School in Hartford serves students who are over-age and under-credit. Students must apply to the school, visit the campus, participate in an interview, and be accepted in order to enroll.

HB 6504 establishes a clear right to informed consent for parents and students before placement in an alternative school or program. This will help ensure that students are being placed in a thoughtful and equitable way, and that students understand their rights and are not forced or counseled out of traditional education against their will (except in cases of expulsion). Informed consent should help reduce the incidence of schools using the threat of expulsion to require students to enter an alternative program, bypassing the hearing and due process required for expulsion, but with the same effect of removing a student from a traditional school against his wishes.

We would also encourage amendment of this language to require the Department of Education to create standardized entry and exit procedures to ensure that 1) districts are complying with the proposed informed consent requirement, and 2) to facilitate clearer understanding on the part of students and parents about how and why students can be placed into programs, and what their rights are in the process. Additionally, clarified and standardized exit procedures would ensure that all parties understand *before placement* if and how students may leave an alternative program to re-enter a traditional school.

3. Student Right to Course Offerings and Hours

We support the bill's efforts to require that students in alternative programs have access to the full range of course offerings and are entitled to the full 6 hours per day/180 days of education of traditional students. Through mandating class hours and course offerings, the proposed amendment will ensure that alternative students will have access to the same depth and breadth of education as their peers in regular public schools. In the absence of a full expulsion from school (and the due process rights that accompany an expulsion), students should maintain their constitutional rights to an equal education as provided by *Horton v. Meskill*.

However, we understand that flexibility is one of the main benefits of alternative schools, allowing them to better serve students struggling in traditional settings, providing a true alternative rather than just another setting where students will fail. We therefore would propose amending the language in section 1(c) to provide a waiver process by which alternative schools and programs may petition the State Department of Education for approval of more limited course hours or offerings provided the school justifies an academic or other need for such limitations and that such reduced hours and offerings will benefit participating students.

4. Oversight Through the Strategic School Profiles

Inclusion of alternative schools in the yearly Strategic School Profile reports will help ensure that alternative schools and the students they enroll are no longer invisible. This basic accountability measure will help districts, parents, and the state better understand important features of the state's alternative school system, including how many students are being served in alternative settings, where alternative programs are located, and what program of instruction is being offered at each site. This basic information is the first step in establishing greater oversight over these schools and responsibility for their outcomes.

We would encourage the amendment of the language in section 3 [see draft language in Appendix A] to require that districts complete a full Strategic School Profile for each alternative program in the same manner as for traditional schools. This change will provide much more information about alternative schools and the services and outcomes for their students than simple inclusion in the

district-wide profiles (as is proposed in the current bill language). Specifically, it will require districts to disclose information about the number of students receiving special education services and the types of services provided; test scores, graduation rates, and other student outcome measures; course offerings and enrollment; access to materials, such as books and computers; qualifications of teachers and staff; student discipline and truancy rates; and the racial and ethnic composition of the student body and the number of students eligible for free and reduce price lunch. This information will be invaluable in detecting issues related to disproportionate placement of minority, low-income, and disabled students in alternative programs; non-compliance with special education laws and requirements concerning course offerings and teacher qualifications; and poor performance on student outcome measures suggesting a need for greater oversight and possible district or state intervention.

In sum, we strongly support HB 6504 and laud the committee for its introduction. We recommend minor changes to (1) create standardized entry and exit procedures; (2) allow a waiver process to provide alternative school flexibility while maintaining sufficient oversight; and (3) require districts to complete a full school-level Strategic School Profile for each alternative program.

Appendix A: Recommended Changes

Entry and Exit Procedures

Section 1 should be amended as follows:

Insert the following as a new section (d): On or before January 1, 2014, the State Department of Education shall develop informed consent forms and standardized procedures for the placement of students into alternative school programs and for the exit of students from such programs. For any school year beginning on or after July 1, 2014, local educational authorities must utilize the forms and procedures created pursuant to this section for any student placed voluntarily or involuntarily into an alternative school program in accordance with section 1(b) of this act.

Flexibility Waiver

Section 1(c) should be amended as follows:

Insert the following after the word “statutes” in line 25: A local or regional board of education may apply to the State Department of Education for a waiver from the requirements of sections 10-16 and 10-16b. Such waiver may be granted if the board can provide evidence that the limited hours or days of instruction, or restricted program of instruction, is necessary and in the best interest of students in the alternative education program.

Strategic School Profiles

Section 3(c) should be amended as follows:

Replace lines 97-100 with: (c) Annually, each local and regional board of education shall submit to the Commissioner of Education a strategic school profile report for each school or alternative school program under its jurisdiction and for the school district as a whole.

Strike the proposed new section 3(c)8 [lines 111-113], so lines 103-113 reads: The profile report shall provide information on measures of (1) student needs, (2) school resources, including technological resources and utilization of such resources and infrastructure, (3) student and school performance, including truancy, (4) the number of students enrolled in an adult high school credit diploma program, pursuant to section 10-69, operated by a local or regional board of education or a regional

educational service center, (5) equitable allocation of resources among its schools, (6) reduction of racial, ethnic and economic isolation, and (7) special education.